

RECEIVED

SHELLEY SADOWSKY  
shelley.sadowsky@kmzr.com  
direct: 202-625-3719  
fax: 202-295-1120

June 16, 2003

JUN 16 2003

Via Courier

Federal Communications Commission  
Office of Secretary

Marlene Dortch, Secretary  
Federal Communications Commission  
Washington, DC 20554

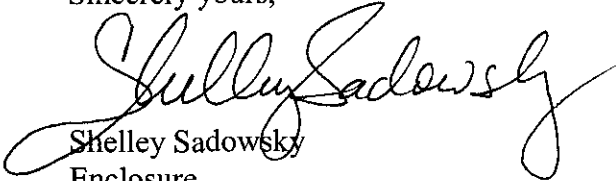
Re: David Michelman Divestiture Trust

Dear Madam Secretary:

Transmitted herewith, on behalf of our client, DAVID MICHELMAN, TRUSTEE OF THE DAVID MICHELMAN DIVESTITURE TRUST (the "Trust"), are an original and four (4) copies of a **PETITION FOR FURTHER EXTENSION OF DIVESTITURE DEADLINE** regarding the Trust and licenses held by the Trust pursuant to WT Docket No. 01-35.

Should further information be desired in connection with this matter, kindly communicate directly with this office.

Sincerely yours,



Shelley Sadowsky  
Enclosure

cc: William W. Kunze, Chief, Commercial Wireless Division  
Lauren Kravetz Patrich, Esq.  
Russell Fox, Esq.  
David Michelman (all via e-mail)

No. of Copies rec'd 013  
List ABCDE

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

**ORIGINAL  
RECEIVED**

JUN 16 2003

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 ) WT Docket No. 01-35  
**DAVID MICHELMAN, TRUSTEE** )  
**DAVID MICHELMAN DIVESTITURE TRUST** )  
To: Wireless Telecommunications Bureau

**PETITION FOR FURTHER  
EXTENSION OF DIVESTITURE DEADLINE**

David Michelman, Trustee ("*Trustee*") of the David Michelman Divestiture Trust (the "*Trust*"), by his attorneys, hereby respectfully requests a further extension of the duration of the Trust, which is currently due to expire on July 7, 2003. In support hereof, the following is respectfully shown:

Explanatory details of the formation and history of the Trust were provided in Trustee's "Second Petition for Waiver and to Extend Divestiture Deadline" ("*Second Petition*") filed on April 4, 2003. (See Second Petition, page 2, which is incorporated herein by reference.) By letter of April 10, 2003, the Chief, Commercial Wireless Division, Wireless Telecommunications Bureau, granted the Second Petition and extended the Trust through July 7, 2003.

Undersigned counsel for the Trust has been informed that AT&T Wireless, Inc. ("*AWS*") now wishes to re-acquire the licenses held by the Trust<sup>1/</sup>. It is anticipated that

---

<sup>1/</sup> The licenses held by the Trust are: KNLF221 (File No. 0000634714); KNLF256 (File No. 0000634728); and KNLF251 (File No. 0000634722) (hereafter, collectively, the "*Licenses*").

applications for assignment of such Licenses will be filed with the Commission within the next few weeks, possibly during the week of June 15, 2003.

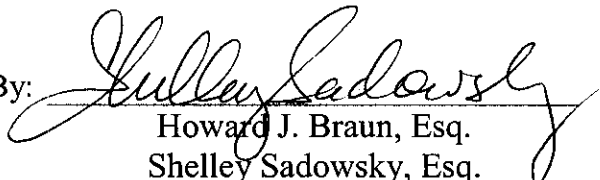
Since it would be impossible to secure Commission consent to the assignment of the Licenses and then consummate the assignment prior to the current expiration date of the Trust, the Trustee respectfully requests a 180-day extension of the duration of the Trust for purposes of accomplishing the transfer of the Licenses to AWS.

In this connection, Trustee also requests a waiver of the Commission's directive that the Licenses be transferred from the Trustee to the ultimate buyer within 180 days of the Trustee's acquisition of the Licenses. See *Public Notice*, "Wireless Telecommunications Bureau and International Bureau Grant Consent for Transfer of Control or Assignment of Licenses from Telecorp, PCS, Inc. to AT&T Wireless Services, Inc.," DA 02-331, 17 FCC Rcd 2383 (2002). The grant of such a waiver is clearly in the public interest in this instance. Said waiver will only serve to facilitate the transfer of the Licenses from the Trust to a qualified buyer, AWS, as soon as practicable upon obtaining Commission consent to such transfer. No reasonable alternative to the grant of the waiver exists since, without question, there would be no public interest benefit to allowing the Licenses to cancel when a ready, willing and able buyer exists.

[ THIS SPACE INTENTIONALLY LEFT BLANK ]

**WHEREFORE**, for good cause shown, it is respectfully requested that the duration of the David Michelman Divestiture Trust be extended to and including January 3, 2004, for the purpose of facilitating the assignment of the Licenses held by the Trust to an identified buyer.

Respectfully submitted  
**DAVID MICHELMAN, TRUSTEE**

By:   
Howard J. Braun, Esq.  
Shelley Sadowsky, Esq.  
Lee W. Shubert, Esq.  
His Attorneys

**KATTEN MUCHIN ZAVIS ROSENMAN**  
1025 Thomas Jefferson Street, N.W.,  
East Lobby, Suite 700  
Washington, DC 20007-5201  
Tel: 202-625-3500  
Fax: 202-298-7550

June 16, 2003